

§ 111.81

be considered the institution of proceedings for revocation or suspension, if preliminary proceedings were held.

[T.D. 86-161, 51 FR 30345, Aug. 26, 1986]

§ 111.81 Settlement and compromise.

The Commissioner, with the approval of the Secretary of the Treasury, may settle and compromise any disciplinary proceeding which has been instituted under this Part according to the terms and conditions agreed to by the parties, including but not limited to the reduction of any proposed suspension or revocation to a monetary penalty.

[T.D. 86-161, 51 FR 30345, Aug. 26, 1986]

Subpart E—Monetary Penalty

SOURCE: T.D. 86-161, 51 FR 30345, Aug. 26, 1986, unless otherwise noted.

§ 111.91 Grounds for imposition of a monetary penalty; maximum penalty.

The Customs Service may assess a monetary penalty or penalties as follows: (a) An amount not to exceed an aggregate of \$30,000 for any of the reasons set forth in § 111.53, except for those listed in paragraph (b)(3) of that section; or (b) An amount not to exceed an aggregate of \$30,000 for all violations and \$10,000 for each violation of § 111.4.

§ 111.92 Notice.

The Customs Service shall issue a written notice which advises the broker or other person of the allegations or complaints against him and explains that the person has a right to respond to the allegations or complaints in writing within 30 days of the date of mailing of the notice. The port director has discretion to provide additional time for good cause. Any notice, the basis of which is an alleged violation of § 111.53(b) or which exceeds an aggregate of \$10,000 for all alleged violations, shall be referred to the Director, International Trade Compliance Division, Customs Headquarters, for approval before it is issued.

[T.D. 70-134, 35 FR 9254, June 13, 1970, as amended by T.D. 91-77, 56 FR 46115, Sept. 10, 1991]

19 CFR Ch. I (4-1-99 Edition)

§ 111.93 Application for relief.

The person shall follow the procedures set forth in part 171 of this chapter in filing an application for relief.

§ 111.94 Decision of appropriate Customs officer.

The Customs Service shall follow the procedures set forth in part 171 of this chapter in considering the application for relief. After the appropriate Customs officers have considered the allegations or complaints and any timely response made, a written decision shall be issued which sets forth the final determination and the findings of fact and conclusions of law on which the determination is based. If the final determination is that the person is liable for a monetary penalty, the person shall pay, or make arrangements for payment, within 60 days of the date of the final determination. If the monetary penalty is not paid or arrangements made for payment within the time limitations, the Customs Service shall refer the matter to the Department of Justice for institution of appropriate judicial proceedings.

§ 111.95 Supplemental petition for relief.

A final determination of the Fines, Penalties, and Forfeitures Officer in excess of \$1,000 may be the subject of a supplemental petition for relief under the provisions of § 171.33 of this Chapter. A final determination of \$1,000 or less is a final decision and is not subject to further administrative review.

[T.D. 86-161, 51 FR 30345, Aug. 26, 1986; 51 FR 31760, Sept. 5, 1986, as amended by T.D. 99-27, 64 FR 13675, Mar. 22, 1999]

§ 111.96 Fees.

(a) *License fee; fingerprint fee.* Each applicant for a broker's license pursuant to § 111.12, or by special examination pursuant to § 111.13(c), shall be charged a fee of \$300 to defray the costs to Customs for the preparation and administration of the examination and other expenses in processing the application. If an applicant either fails to appear for an examination without giving notice at least 24 hours before the examination, or does not pass the examination required by § 111.11(a)(4), \$100

of the fee will be refunded. Applicants receiving notice that they achieved a passing score on an examination are then liable for payment of a fingerprint fee. The port director shall inform the applicant of the current Federal Bureau of Investigation user fee for conducting fingerprint checks and the Customs administrative processing fee, the total of which must be paid to Customs before further processing of the application shall occur.

(b) *Permit fee.* Each application for a permit pursuant to §111.19 shall be accompanied by a one-time fee of \$100 to defray the costs of processing the application. If for any reason a permit lapses or is revoked, payment of the permit fee is necessary before the permit can be reinstated.

(c) *User Fee.* An annual user fee of \$125 will be assessed for each permit held by an individual, partnership, association, or corporate broker. The fee is payable for each calendar year at the port through which the broker was granted the permit, shall be paid by the due date as published annually in the FEDERAL REGISTER, and shall be remitted in accordance with the procedures set forth in §24.22(i) of this chapter. When a broker submits an application for a permit under §111.19(b) of this part, the full \$125 fee shall be remitted with the application regardless of the point during the calendar year at which the application is submitted. If a broker fails to pay the fee by the due date, the port director shall notify the broker in writing of the failure to pay and shall revoke the permit to operate. The notice will constitute revocation of the permit.

(d) *Status report fee.* The status report provided for in §111.30 shall be accompanied by a fee of \$100 to defray the costs of administering the reporting requirement.

(e) *Payment of fee.* All fees shall be paid by check or money order payable to the U.S. Customs Service.

[T.D. 86-161, 51 FR 30345, Aug. 26, 1986, as amended by T.D. 86-195, 51 FR 39747, Oct. 31, 1986; T.D. 93-18, 58 FR 15772, Mar. 24, 1993; T.D. 93-85, 58 FR 54286, Oct. 21, 1993; T.D. 99-27, 64 FR 13675, Mar. 22, 1999]

PART 112—CARRIERS, CARTMEN, AND LIGHTERMEN

Sec.

112.0 Scope.

Subpart A—General Provisions

112.1 Definitions.

112.2 Bond or license required.

Subpart B—Authorization of Carriers To Carry Bonded Merchandise

112.11 Carriers which may be authorized.

112.12 Application for authorization.

112.13 Approval of applications.

112.14 Discontinuance of carrier bonds.

Subpart C—Licensing of Cartmen and Lightermen

112.21 License required.

112.22 Application for license.

112.23 Investigation of applicant.

112.24 Issuance of license.

112.25 Bonded carriers.

112.26 Duration of license.

112.27 Marking of vehicles and vessels.

112.28 Production of license.

112.29 Records.

112.30 Suspension or revocation of license.

Subpart D—Identification Cards

112.41 Identification cards required.

112.42 Application for identification card.

112.43 Form of identification card.

112.44 Changes in information on identification cards.

112.45 Surrender of identification cards.

112.46 Report of loss or theft.

112.47 Wrongful presentation.

112.48 Revocation or suspension of identification cards.

112.49 Temporary identification cards.

AUTHORITY: 19 U.S.C. 66, 1551, 1565, 1623, 1624.

SOURCE: T.D. 73-140, 38 FR 13551, May 23, 1973, unless otherwise noted.

§112.0 Scope.

This part sets forth regulations providing for the bonding of carriers which will receive merchandise for transportation in bond, the licensing of cartmen and lightermen, and the procedures for applying for such bonds and licenses. This part also sets forth the regulations concerning the obtaining of identification cards by cartmen and lightermen, and their employees and the procedures for revoking or suspending licenses and identification